

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 201609410	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/08/2016 1:00 PM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 41	18 Mo. SOL 5/8/2018	EO SOL 5/8/2018	
Date/Time CV Reported Sun, 11/13/2016 11:36 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 11/13/2016 11:36 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
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§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Bletcher	3912	929740	PSA 7
2. POM Juan Candelario	06688	948739	PSA 7
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Avi Baran	00000	944349	042 PCT
2. SGT Samantha Fourcell	01335	926843	028 PCT
3. SGT Jose Caban	01324	929805	HBM RT
4. POM Jose Rodriguez	11467	956212	042 PCT
5. POM Juan German	16549	957620	MTS PCT
6. POF Lissette Sanchez	11279	940700	041 PCT
7. POM Richard Surriel	13059	932120	041 PCT
8. POM Edwin Garcia	31744	926865	041 PCT
9. POF Yajaira Cabrera	27249	925007	041 PCT
10. POM Manuel Alonzo	25197	941337	041 PCT
11. POM Alldon Verdejo	14642	951387	H BX/Q
12. POM Sandy Nunez	10829	956134	042 PCT
13. POM Brian McGovern	10806	956078	T.A.R.U
14. POM Corey Wooten	06551	951002	042 PCT
15. POM Domingo Arjona	05689	944331	042 PCT
16. SGT Carlos Rosario	04581	933294	042 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
17. POM Daniel Staple	14749	943844	PSA 7
18. SGT Jason Korpolinski	1591	942787	PBQN SU
19. POM Christopher Medina	02088	952000	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Bletcher	Force: At § 87(2)(b) in the Bronx, Sergeant Michael Bletcher fired his gun at § 87(2)(b)	
B.POM Juan Candelario	Force: At § 87(2)(b) in the Bronx, Police Officer Juan Candelario fired his gun at § 87(2)(b)	
C. An officer	Discourtesy: At § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)	
D. An officer	Force: At § 87(2)(b) in the Bronx, an officer used physical force against § 87(2)(b)	
E. An officer	Discourtesy: At § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)	

Case Summary

On November 11, 2016, § 87(2)(b) filed this complaint with the CCRB via the website on behalf of his son, § 87(2)(b) did not witness the incident.

At approximately 1:00 p.m. on November 8, 2016, § 87(2)(b) and § 87(2)(b) traveled to § 87(2)(b) in the Bronx to purchase drugs from § 87(2)(b) who lived on the building's first floor. Once they met inside the building, a physical altercation broke out between them. At least one of the people involved in the altercation produced a firearm. § 87(2)(b) tried to flee, running out of the building's front door. § 87(2)(b) followed him, holding a firearm in his right hand. At that time, Sergeant Michael Bletcher and Police Officer Juan Candelario of PSA 7 were driving by the building in an unmarked vehicle. Both officers exchanged gunfire with § 87(2)(b) (**Allegations A and B: Force – Guns fired**, § 87(2)(g)). § 87(2)(b) was struck on his right hip. Nobody else was injured in the shooting. § 87(2)(b) and § 87(2)(b) fled on foot, running to § 87(2)(b). Sergeant Bletcher and Police Officer Candelario followed them in their unmarked vehicle. § 87(2)(b) and § 87(2)(b) shut themselves inside § 87(2)(b). Sergeant Bletcher, Police Officer Candelario and several backup units surrounded the location and ordered the civilians to surrender. § 87(2)(b) and § 87(2)(b) exited the building as instructed. The officers then placed them under arrest.

After the civilians were apprehended, one of the officers allegedly held § 87(2)(b) on the ground by pressing his knee down on § 87(2)(b)'s gunshot wound (**Allegation C: Force – Physical force**, § 87(2)(g)). The same officer also allegedly called § 87(2)(b) a “son of a bitch” (**Allegation D: Discourtesy – Word**, § 87(2)(g)). § 87(2)(b) was transported to § 87(2)(b) to receive treatment for his injury. While at the hospital, an unidentified sergeant allegedly told § 87(2)(b) “It would have been better if you were dead” (**Allegation E: Discourtesy – Word**, § 87(2)(g)).

§ 87(2)(b) was charged with criminal possession of a weapon, attempted assault, attempted robbery, attempted grand larceny and burglary. § 87(2)(b) was charged with criminal possession of a weapon, attempted robbery, attempted grand larceny and burglary. § 87(2)(b) was not arrested during the initial incident but turned himself into the police later that night. He was charged with criminal possession of a weapon and attempted robbery. (Board Review #01).

Several clips of video footage taken from security cameras posted on various buildings in the vicinity of § 87(2)(b) and § 87(2)(b) were obtained from the NYPD's Force Investigation Division (FID). They are attached in IAs #301-303 and 310-315 (Board Review #02-10) and summarized in IA #316 (Board Review #11).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Findings and Recommendations

Allegation (A) Force: At § 87(2)(b) in the Bronx, Sergeant Michael Bletcher fired his gun at § 87(2)(b)

Allegation (B) Force: At § 87(2)(b) in the Bronx, Police Officer Juan Candelario fired his gun at § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were interviewed by FID on November 8, 2016. § 87(2)(b) was interviewed by FID on November 9, 2016 (Board Review #13). § 87(2)(b) was interviewed by the CCRB at the § 87(2)(b) on November 2, 2018. § 87(2)(b) and § 87(2)(b) provided telephone statements to the CCRB on December 17, 2018 (Board Review #14-15). § 87(2)(b) and § 87(2)(b) provided telephone statements to the CCRB on December 26, 2018 (Board Review #16-17). § 87(2)(b) was interviewed by the CCRB at § 87(2)(b) in the Bronx on February 22, 2019. § 87(2)(b) and § 87(2)(b) provided written statements to FID on November 8, 2106 (Board Review #18-19). The investigation was unable to obtain sworn statements from any other civilian witnesses, including § 87(2)(b) or § 87(2)(b) (Board Review #20).

Police Officer Sandy Nunez, Police Officer Brian McGovern, Police Officer Corey Wooten, Police Officer Domingo Arjona, and Sergeant Carlos Rosario of the 42nd Precinct, as well as Police Officer Daniel Staple and Sergeant Jason Kopolinski of PSA 7, were interviewed by FID on November 8, 2016. Sergeant Bletcher and Police Officer Candelario were subsequently interviewed by FID on June 20, 2017 and September 28, 2017, respectively (Board Review #13). Sergeant Bletcher was interviewed at the CCRB on February 13, 2020. Police Officer Candelario was interviewed at the CCRB on March 5, 2020. Police Officer Staple was interviewed at the CCRB on March 12, 2020. Police Officer Medina was interviewed at the CCRB on September 1, 2020. Sergeant Rosario was interviewed at the CCRB on September 15, 2020. Police Officer Wooten was interviewed at the CCRB on September 30, 2020.

It is undisputed that at approximately 1:00 p.m. on November 6, 2016, § 87(2)(b) and § 87(2)(b) traveled to an apartment building located at § 87(2)(b) in the Bronx to purchase drugs from § 87(2)(b). An altercation broke out between them on the building's first floor. § 87(2)(b) and § 87(2)(b) all fled from the building, running out of the front door. § 87(2)(b) was the first to exit, followed seconds later by § 87(2)(b). § 87(2)(b) was holding a handgun as he exited. Sergeant Bletcher and Police Officer Candelario were driving by § 87(2)(b) as § 87(2)(b) and § 87(2)(b) exited. The officers were in plainclothes and riding in an unmarked vehicle. Sergeant Bletcher was driving and Police Officer Candelario was in the front passenger's seat. Sergeant Bletcher stopped the vehicle in front of the building, with the passenger's side of the vehicle facing § 87(2)(b). § 87(2)(b) and both officers fired their weapons at each other. The number of shots fired by each party and the order in which these shots were fired is in dispute. One of the officer's shots struck § 87(2)(b)'s right hip. Nobody else was shot or otherwise injured during the exchange. After the shooting, § 87(2)(b) fled east on East 164th Street, towards the intersection with Reverend James Polite Avenue. The officers followed him in their unmarked vehicle.

In his CCRB statement, § 87(2)(b) stated that at approximately 10:00 a.m. on November 6, 2016, he consumed one 2-milligram pill of Xanax. He then traveled to § 87(2)(b) home at § 87(2)(b) in the Bronx. There, § 87(2)(b) and § 87(2)(b) planned to visit § 87(2)(b) at § 87(2)(b) to buy drugs from him. They eventually left the apartment and traveled directly to § 87(2)(b). Approximately fifteen minutes before they left, § 87(2)(b) consumed two more 2-milligram Xanax pills. He also smoked approximately eight or nine grams of marijuana. § 87(2)(b) described his condition at the time as "mad high." When asked what specific effects these substances had on him, § 87(2)(b) stated that he was calm but that he did not pay attention to "small details" and that he did not "think situations through." He denied that his memory was impaired by his substance use.

When the three civilians arrived at § 87(2)(b) they met § 87(2)(b) in the building's lobby. § 87(2)(b) was alone. § 87(2)(b) made no mention of § 87(2)(b) having an injury or using a cane or crutches to move about. § 87(2)(b) led § 87(2)(b) and his friends into an apartment on the first floor. They stood at the apartment's entrance while § 87(2)(b) went inside. § 87(2)(b) then saw that there were six other individuals waiting inside the apartment. § 87(2)(b) did not recognize any of them. § 87(2)(b) and his friends started arguing with § 87(2)(b) and the other individuals inside the apartment. When asked to describe the argument, § 87(2)(b) described the situation only as a "drug deal gone wrong." Once the argument started, one of the six individuals inside the apartment drew a handgun. In response, § 87(2)(b) also drew a handgun. § 87(2)(b) had not been aware that § 87(2)(b) was armed prior to that moment. A physical altercation then ensued between the two groups, with § 87(2)(b) and his associates trying to wrestle the handgun away from § 87(2)(b) and § 87(2)(b) and his friends trying to wrestle the other handgun away from the unidentified individual. Nobody fired any of the guns inside the apartment.

§ 87(2)(b) initially stated that he drew a handgun of his own during this struggle. Later, however, he denied that he was carrying a weapon of his own. He stated instead that he wrestled the unidentified individual's gun away from him. He identified the gun as a P9R 9mm pistol. § 87(2)(b) denied that the gun belonged to him, though he alleged that § 87(2)(b) later gave a false statement to the police claiming that the gun belonged to § 87(2)(b). He also stated that during the ensuing criminal trial, § 87(2)(b) accused § 87(2)(b) of striking him in the face during the dispute. § 87(2)(b) denied doing so. He was not aware of any of the parties involved in the dispute sustaining injuries in the apartment.

As soon as § 87(2)(b) gained control of the gun, he, § 87(2)(b) and § 87(2)(b) fled the apartment. § 87(2)(b) also ran out of the apartment. The six unidentified individuals did not follow them. § 87(2)(b) had a head start on them and was running ahead of them. § 87(2)(b) denied that he chased § 87(2)(b) and § 87(2)(b) all ran out of the building's front entrance. § 87(2)(b) exited the building first, followed by § 87(2)(b) and his friends about five seconds later. Both § 87(2)(b) and § 87(2)(b) were still holding their respective handguns as they exited. § 87(2)(b) held his gun in his right hand.

The building's entrance opens onto the sidewalk. There was a row of cars parked in front of the building along the side of the road. The parking space immediately in front of the entrance, however, was unoccupied. As soon as § 87(2)(b) exited, he saw that § 87(2)(b) had crouched down on the sidewalk to his left, next to the nearest parked car. § 87(2)(b) turned left as soon as he exited, running in § 87(2)(b)'s direction. § 87(2)(b) and § 87(2)(b) started to turn right, intending to run down the sidewalk away from § 87(2)(b)'s position. Before they had a chance to move, however, § 87(2)(b) noticed a gray unmarked Nissan sedan stopped in the street approximately four or five car lengths to § 87(2)(b)'s left. Sergeant Bletcher and Police Officer Candelario were sitting in the sedan's front seats. Police Officer Candelario was in the driver's seat. Sergeant Bletcher was in the process of exiting the front passenger's seat. § 87(2)(b) did not notice shields around either officers' necks at that time. As such, he did not realize at the time that they were police officers.

Sergeant Bletcher drew a handgun from somewhere on his waistband as he exited the sedan. § 87(2)(b) assumed that Sergeant Bletcher and Police Officer Candelario were friends of § 87(2)(b) and that Sergeant Bletcher was going to shoot him. § 87(2)(b) attempted to flee from the officers by turning to his right and running down the sidewalk, away from them. He continued holding the gun in his right hand. He denied raising the gun or pointing it anywhere as he

ran. As soon as § 87(2)(b) started running, however, he heard three gunshots behind him. He did not see who fired them but assumed that it was Sergeant Bletcher because he seen Sergeant Bletcher holding a gun. The shots were continuous, with no noticeable pause between shots. Neither the officers nor any of the civilians outside § 87(2)(b) said anything to each other before the three shots. § 87(2)(b) felt one of the bullets strike his right hip. The bullet lodged inside his hip, striking the bone. The bullet did not leave his body. The wound caused § 87(2)(b) to fall face-down onto the ground. The impact caused § 87(2)(b) to lose his grip on his gun, which fell to the ground a few inches away from his hand. § 87(2)(b)'s chin struck the ground during the fall, causing an abrasion. As soon as § 87(2)(b) hit the ground, he felt a second bullet graze his left cheek, causing a laceration.

§ 87(2)(b) reached out and grabbed his gun with his right hand. He then got up onto his left knee and looked back towards the officers over his left shoulder. Because of the empty parking spot in front of § 87(2)(b) he had a clear line of sight from his position on the sidewalk to the officers' vehicle in the middle of the street. § 87(2)(b) saw that Sergeant Bletcher and Police Officer Candelario were both standing next to their vehicle with their guns drawn and pointed towards § 87(2)(b). Both officers were firing their weapons. § 87(2)(b) estimated that the officers fired about six or seven shots between them once he turned to face them. He did not know how many shots each officer fired. § 87(2)(b) noticed that at least one of the shots fired after he turned around struck the pavement near him. He did not know where any of the other shots hit. The officers' shots were continuous, with no significant pauses between any of them.

§ 87(2)(b) feared that Sergeant Bletcher and Police Officer Candelario were trying to kill him. He decided to return fire in order to defend himself. At the time, § 87(2)(b) was still on his knee, with his back faced towards the officers. He brought the gun across his chest and pointed it over his left shoulder towards the officers. He did not aim at a specific officer, instead pointing the gun in their general direction. § 87(2)(b) fired one shot from this position. He then rose to his feet and started running down the sidewalk, away from the officers. He continued to hold the gun over his left shoulder as he ran. He fired three additional shots in succession while running. He did not pause between any of the shots. § 87(2)(b) did not see where any of his shots hit. He did not see or hear the officers fire again after he started shooting. § 87(2)(b) continued running after firing. He and § 87(2)(b) ran together down the block, eventually running to § 87(2)(b). § 87(2)(b) did not see § 87(2)(b) or the officers again during the incident.

§ 87(2)(b)'s statement to FID was generally consistent with his CCRB statement, except as noted. In it, he stated that § 87(2)(b) had a broken leg and used a cane to walk. He made no mention of § 87(2)(b) carrying a weapon. He also made no mention of § 87(2)(b) or any other civilians running out of the building before he did. § 87(2)(b) did not recall if he shot at the police officers before fleeing to § 87(2)(b).

§ 87(2)(b)'s FID interview and his written statement to FID were generally consistent with each other. § 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) arranged to buy marijuana from § 87(2)(b). He made no mention of § 87(2)(b) wearing a medical brace or using a cane or crutches. When they met him at § 87(2)(b), however, § 87(2)(b) pulled out a gun to rob § 87(2)(b). § 87(2)(b) had not been aware that § 87(2)(b) was armed or intended to rob § 87(2)(b). § 87(2)(b) fled the building. As he ran, he noticed § 87(2)(b) fall down in the middle of the street. In his written statement, he testified that he believed that § 87(2)(b) then opened fire. § 87(2)(b) did not elaborate on what anybody else did during the encounter. He did not mention who § 87(2)(b) opened fire on, how many times

he fired, or if he hit anybody. He did not mention any police officers in his statement. He did not mention anybody, including any police officers, shooting at § 87(2)(b) made no mention of any individuals, including § 87(2)(b) or any police officers, firing a gun during the incident.

§ 87(2)(b) testified to FID that he, § 87(2)(b) and § 87(2)(b) arranged to buy marijuana from § 87(2)(b) at § 87(2)(b). He made no mention of § 87(2)(b) wearing a medical brace or using a cane or crutches. After they arrived and obtained the marijuana, § 87(2)(b) drew a gun. § 87(2)(b) denied that he and his friends had planned to rob § 87(2)(b). A fight broke out between the civilians inside the building. § 87(2)(b) fled the building. He then saw that § 87(2)(b) was standing outside the building, holding his gun. § 87(2)(b) noticed two plainclothes police officers outside as well. He identified them as officers because their shields were displayed around their necks and they had yellow armbands. § 87(2)(b) pointed his gun at the officers and fired several times. § 87(2)(b) heard several additional gunshots but did not state who fired them. § 87(2)(b) then fled to § 87(2)(b).

§ 87(2)(b)'s statements to FID and the CCRB were generally consistent, except as noted. § 87(2)(b) a resident of § 87(2)(b) at the time, stated that he had been in an unspecified accident at some time prior to the incident. In his CCRB statement, he further stated that he was wearing a medical brace on one of his feet as a result of an injury from the accident. On November 8, 2016, § 87(2)(b) and § 87(2)(b) approached him in the lobby of § 87(2)(b). In his FID statement, he testified that he had planned to meet in the lobby of the building with § 87(2)(b) and § 87(2)(b). In his CCRB statement, he made no mention of arranging the meeting ahead of time. He made no mention of any drug transactions in either statement. The three males attempted to rob § 87(2)(b). In his FID statement, he testified that only § 87(2)(b) was carrying a weapon at the time. In his CCRB statement, he stated that all three of his assailants were armed. He also stated in his CCRB statement that during the robbery, § 87(2)(b) and two friends of his (one of whom was identified as § 87(2)(b)) came downstairs from the building's upper floors to see what was happening. He made no mention of § 87(2)(b) or his friends in his FID statement. In both statements, § 87(2)(b) testified that he fled from the building by running out the front door. § 87(2)(b) and § 87(2)(b) followed behind him. As they exited, § 87(2)(b) shouted that § 87(2)(b) had a gun. In his FID statement, § 87(2)(b) stated that he heard several gunshots behind him after fleeing but did not see who fired them. In his CCRB statement, § 87(2)(b) stated that § 87(2)(b) shot at him four or five times. He did not strike § 87(2)(b) or anybody else. As § 87(2)(b) opened fire, Sergeant Bletcher and Police Officer Candelario were driving by in an unmarked vehicle. The two officers shot at § 87(2)(b) firing four or five times. § 87(2)(b) continued running down the street when the officers opened fire and did not look back to them. He therefore did not see himself whether the officers struck § 87(2)(b). § 87(2)(b) then heard two or three additional shots but did not see who fired them.

§ 87(2)(b) and § 87(2)(b)'s FID statements were generally consistent with each other. They made no mention of § 87(2)(b) wearing a medical brace or using a cane or crutches. They stated that they were on the second floor of § 87(2)(b) when they heard a struggle downstairs. When they went to investigate, they found § 87(2)(b) and § 87(2)(b) fighting with § 87(2)(b). One of the three individuals drew a firearm. § 87(2)(b) fled by running out the front door. § 87(2)(b) and § 87(2)(b) fled upstairs. While upstairs, they each heard several gunshots. They did not see who fired them.

In his CCRB statement, § 87(2)(b) stated that § 87(2)(b) walked using crutches at the time of the incident as a result of an earlier injury. He also stated that after he went upstairs, he looked out into

the street from a second-floor window. He saw § 87(2)(b) run out of the building's entrance. There was a vehicle parked on the street immediately in front of the entrance. § 87(2)(b) slid over the hood of the vehicle and took cover on the opposite side of the vehicle. § 87(2)(b) then exited the building and pointed his gun towards § 87(2)(b). As he did so, Sergeant Bletcher and Police Officer Candelario drove up to the building in an unmarked vehicle. Sergeant Bletcher exited the front passenger's seat, holding a gun. § 87(2)(b) did not see what Police Officer Candelario did at that time. § 87(2)(b) called out to the officers, warning them that § 87(2)(b) was armed. § 87(2)(b) then fired three times at § 87(2)(b). § 87(2)(b) did not see where the bullets landed, but he denied that § 87(2)(b) was injured. § 87(2)(b) left the window and ran downstairs to help § 87(2)(b). By the time he got to the front door, he found that both § 87(2)(b) and the officers were gone. § 87(2)(b) was still crouched behind the parked vehicle. § 87(2)(b) heard several gunshots coming from the direction of Reverend James Polite Avenue but could not see who fired them. § 87(2)(b) did not see the officers fire their weapons himself. § 87(2)(b) later told § 87(2)(b) that the incident began when he and § 87(2)(b) engaged in a drug transaction on the first floor. During the transaction, § 87(2)(b) produced a gun and tried to rob § 87(2)(b).

Sergeant Bletcher's and Police Officer Candelario's statements were generally consistent with each other. Their CCRB statements were also consistent with their respective FID statements. They stated that immediately prior to the incident, they drove down the block and encountered § 87(2)(b) on the sidewalk in front of § 87(2)(b). The officers had arrested § 87(2)(b) on a previous occasion for possession of a weapon. The officers spoke briefly to § 87(2)(b) before § 87(2)(b) entered the building. Sergeant Bletcher did not recall what they discussed with § 87(2)(b). Police Officer Candelario stated that they asked § 87(2)(b) if everything was alright. § 87(2)(b) replied that it was. The officers did not recall seeing § 87(2)(b) using any mobility assistance devices such as crutches.

After § 87(2)(b) entered the building, the officers circled around the block. Both denied that there was any particular reason they did so. When they drove back past § 87(2)(b), both officers saw a group of people fighting inside the building's entrance. The officers could not see the people clearly and did not immediately recognize them. They could not clearly tell what actions the people inside the building took towards each other. Sergeant Bletcher stopped the vehicle. Both officers looked into the building to find out what was happening. Police Officer Candelario stated that he exited the vehicle and stood next to it, while Sergeant Bletcher stated that both officers stayed in the vehicle.

A few seconds later, § 87(2)(b) ran out of the building and shouted, "He has a gun!" § 87(2)(b) then ran down the street. Moments later, § 87(2)(b) exited the building, holding a handgun. Neither officer recognized § 87(2)(b) from any previous interactions. § 87(2)(b) immediately started firing his weapon. Sergeant Bletcher stated that § 87(2)(b) fired in the general direction of both officers, while Police Officer Candelario stated that § 87(2)(b) shot at him specifically. Both officers moved to take cover. Police Officer Candelario ran to the rear of the vehicle while Sergeant Bletcher got out of the driver's seat and knelt down next to the hood. The officers did not recall how many times § 87(2)(b) fired, but noted that he fired continuously without pausing between shots. They did not know where his shots landed but denied that either of them was hit. Both officers stated that § 87(2)(b) moved as he fired. Sergeant Bletcher stated that § 87(2)(b) descended the stairs leading up to the building's entrance, while Police Officer Candelario stated that § 87(2)(b) moved to the front of the unmarked vehicle.

Police Officer Candelario stated that he and Sergeant Bletcher identified themselves as police

officers and told § 87(2)(b) to put his weapon down before they opened fire. Sergeant Bletcher initially stated that he verbally identified himself as a police officer, but later stated that he did not recall if he said anything. § 87(2)(b) did not say anything to the officers.

Both officers drew their guns to return fire. They explained that they did so in order to defend themselves from the immediate threat that § 87(2)(b) posed. Police Officer Candelario stated that he first drew his weapon when he saw § 87(2)(b) exit the building but did not point or fire it until he took cover at the rear of his unmarked vehicle. Sergeant Bletcher stated that he drew his weapon as soon as he took cover next to the vehicle. Both officers fired at § 87(2)(b) multiple times, aiming for his center of mass. Both officers fired using two-handed grips on their firearms. Sergeant Bletcher stated that he fired three rounds. Police Officer Candelario did not recall how many rounds he fired. Neither officer recalled pausing between any of their shots. The officers did not initially see if any of their shots struck § 87(2)(b). Later, however, they learned that § 87(2)(b) suffered a graze wound. Neither officer recalled where the injury was located on § 87(2)(b)'s body. The officers did not recall if § 87(2)(b) was still shooting when they opened fire.

Both officers stated that § 87(2)(b) fell to the ground after moving away from the building's entrance. They were not immediately aware of why § 87(2)(b) fell. Sergeant Bletcher did not recall if he started shooting at § 87(2)(b) before or after the fall. Police Officer Candelario, however, stated that he opened fire before the fall. Neither officer recalled how § 87(2)(b) was positioned on the ground once he fell. Sergeant Bletcher stated that § 87(2)(b) continued shooting from his position on the ground. Police Officer Candelario testified that § 87(2)(b) paused shooting while on the ground.

Both officers stated that a third male, identified as § 87(2)(b), joined § 87(2)(b) after he fell. Sergeant Bletcher stated that § 87(2)(b) stood up after falling and started running down the street towards Reverend James Polite Avenue with § 87(2)(b) who he noticed standing on the sidewalk. Sergeant Bletcher did not recall seeing § 87(2)(b) before that moment and was not aware of § 87(2)(b) exiting § 87(2)(b). Police Officer Candelario stated that as soon as § 87(2)(b) fell, § 87(2)(b) ran out of § 87(2)(b) and picked § 87(2)(b) off the ground before fleeing with him. Sergeant Bletcher denied that § 87(2)(b) fired again after he got off the ground. Police Officer Candelario, however, stated that § 87(2)(b) fired several additional rounds towards the officers while running, firing by pointing the gun behind him. None of these rounds struck the officers either. Neither officer fired their weapon again after § 87(2)(b) started to flee.

After § 87(2)(b)'s arrest, he was treated by EMS and transported to § 87(2)(b). He had a graze wound on his right hip, a laceration on his left cheek and an abrasion on his left knee. § 87(2)(b) told a physician at the hospital that he suffered the graze wound when a black male shot at him. He did not state to any medical providers whether he fired his weapon (Privileged Documents).

Several clips of video footage, obtained from security cameras posted on buildings in the vicinity of § 87(2)(b), were obtained from FID (Board Review #03-10). None of these videos, however, clearly showed the encounter between § 87(2)(b) and the two officers. The video did not show whether § 87(2)(b) discharged his weapon before the officers, or what happened when § 87(2)(b) fell to the ground.

§ 87(2)(b), § 87(2)(g). First, as § 87(2)(b) himself noted, he was had taken Xanax and smoked marijuana prior to the incident,

which impaired his attention to detail § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)

(b) §

87(2)(g)

The video footage does not show whether § 87(2)(b) fired first, or where his shots were aimed. § 87(2)(b), § 87(2)(g)

NYPD Patrol Guide procedure 221-01 states that officers may use physical force when it is reasonable to ensure the safety of a member of the service. Any application or use of force must be reasonable under the circumstances. The use of deadly physical force against a person can only be used to protect a member of the service and/or the public from imminent serious physical injury or death. In determining whether the use of force against a subject is reasonable, an officer should consider several factors, including: the actions taken by the subject, the duration of the action; the immediacy of the perceived threat or harm from the subject; the size, age and condition of the subject in comparison to the officer; the number of subjects in comparison to the number of officers present; the subject's violent history (if known); the presence of a hostile crowd or agitators; and whether the subject appears to be under the influence of a stimulant or narcotic that would affect their pain tolerance or increase the likelihood of violence (Board Review #21).

NYPD Patrol Guide procedure 221-03 defines a physical injury or illness as "serious" when it creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or limb. Examples of serious injuries include broken or fractured bones, injuries requiring hospital admission and gunshot wounds (Board Review #22).

§ 87(2)(b), § 87(2)(g)

Allegation (C) Force: At § 87(2)(b) in the Bronx, an officer used physical force against § 87(2)(b)
Allegation (D) Discourtesy: At § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)

It is undisputed that § 87(2)(b) suffered a gunshot wound to his right hip during the incident. After § 87(2)(b) exchanged gunfire with Sergeant Bletcher and Police Officer Candelario at § 87(2)(b), he and § 87(2)(b) fled on foot to a residential building located at § 87(2)(b). A door on the building's exterior leads directly into the first-floor apartment, owned by § 87(2)(b). § 87(2)(b) was standing outside at the time, while her nurse, § 87(2)(b) was inside. § 87(2)(b) and § 87(2)(b) entered the apartment without permission and shut themselves inside. § 87(2)(b) remained outside while § 87(2)(b) and § 87(2)(b) were inside her home. Sergeant Bletcher and Police Officer Candelario followed § 87(2)(b) and § 87(2)(b) to this building, arriving as the two civilians shut themselves inside. Several other officers joined them in front of the building. The officers ordered both civilians to exit the building. The civilians exited the building one at a time with their hands raised, with § 87(2)(b) leaving first, followed by § 87(2)(b). The officers ordered each civilian to lie down on the ground as they exited. When the civilians did so, the officers placed them in handcuffs.

In his CCRB statement, § 87(2)(b) initially stated that when he exited § 87(2)(b), one of the officers approached him and threw him to the ground. Later, however, he stated that he lay down on the ground when officers ordered him to do so. Once § 87(2)(b) lay down as instructed, the officer handcuffed him. One of the officers who handcuffed him then knelt down on top of § 87(2)(b), placing one of his knees on top of the gunshot wound on § 87(2)(b)'s right hip. This action aggravated the gunshot wound on his hip, causing pain. This officer then told § 87(2)(b) "Oh, you little son of a bitch, you think you're tough? You tried to kill two cops." § 87(2)(b) described this officer as a bald, heavysset white male wearing a gray sweatshirt and black shorts. § 87(2)(b) made no mention of these allegations in any of his other statements.

In his FID testimony, § 87(2)(b) stated that he surrendered to the police after they surrounded the apartment. He did not discuss what happened to § 87(2)(b) after the surrender. He made no mention of any officers using force or profanity against § 87(2)(b) during their arrests.

§ 87(2)(b) stated that § 87(2)(b) and § 87(2)(b) exited the house one-by-one to surrender to the police. She made no mention of any officers using any physical force or profanity against § 87(2)(b) in her CCRB or FID statements. § 87(2)(b) stated that she locked herself in the apartment's bathroom when § 87(2)(b) and § 87(2)(b) entered. She became afraid and passed out. She did not wake up until after § 87(2)(b) and § 87(2)(b) were taken into custody.

Sergeant Bletcher, Police Officer Candelario, Police Officer Staple, Police Officer Wooten and Sergeant Rosario all denied that they made physical contact with § 87(2)(b) during his arrest. They denied they or any other officer placed a knee on top of § 87(2)(b)'s body, including any wounded areas. They denied that they or any other officers forcibly held § 87(2)(b) down after he was handcuffed. They denied that they or any other officer used physical force against § 87(2)(b) after he was handcuffed, including any actions taken to aggravate his gunshot wound. The officers denied that they called § 87(2)(b) a "son of a bitch" or that they heard any other officer call him that. The officers denied hearing any officers use profanity towards § 87(2)(b). Police Officer Medina denied being present at this part of the incident.

FID obtained additional statements from Police Officer Nunez, Police Officer McGovern, Police Officer Arjona, and Sergeant Korpolski. All five officers stated that they responded to § 87(2)(b) after Sergeant Bletcher and Police Officer Candelario reported the shooting. They all stated that § 87(2)(b) and § 87(2)(b) were handcuffed after they surrendered and exited the building. None of these officers testified that they made physical contact with § 87(2)(b) during his arrest. None of them alleged the use of any physical force by any officer against § 87(2)(b). None of them alleged that an officer used profanity during the incident.

The security camera footage obtained from § 87(2)(b) depicts § 87(2)(b) and § 87(2)(b) entering the apartment. It then shows a large group of officers, including Sergeant Bletcher, Police Officer Candelario, Sergeant Rosario, Police Officer Wooten, Police Officer McGovern, and Police Officer Nunez surrounding the apartment's entrance. § 87(2)(b) and § 87(2)(b) then exit the apartment one at a time with their hands up. Both civilians lie down on the ground. The officers then surround them. The video ends when several officers, including two uniformed males and a male officer in plainclothes, surround § 87(2)(b) on the ground. No bald officers or officers wearing shorts are seen approaching him. Due to the angle of the video and the fact that the area § 87(2)(b) is apprehended in is in shadow, the video does not clearly show what, if any, actions these officers take towards § 87(2)(b). Because the video has no sound, it does not indicate whether an officer used profanity (Board Review #03).

The investigation was unable to identify the officer who allegedly placed a knee on § 87(2)(b)'s wound or cursed at him. § 87(2)(b) provided a limited description of the subject officer. None of the officers depicted surrounding him in the video match his description. The video, however, ends shortly after the officers surround him. It is possible that these allegations, if they did occur, took place after the end of the video. § 87(2)(b)'s testimony was not corroborated either by the civilian witnesses or any of the identified officers present during the arrest.

§ 87(2)(b), § 87(2)(g)

Allegation (E) Discourtesy: At § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)

It is undisputed that after § 87(2)(b)'s arrest, he was transported to § 87(2)(b) for treatment.

In his CCRB statement, § 87(2)(b) testified that after he was treated at the hospital, two unidentified officers who stated that they were from IAB asked to take a statement from him. The hospital, however, refused to allow § 87(2)(b) to provide a statement because his toxicology report indicated that he was intoxicated at the time and was therefore not able to provide testimony. The officers therefore did not interview § 87(2)(b) at that time. § 87(2)(b)'s FID statement, however, was conducted at 2:55 p.m., within an hour of § 87(2)(b)'s admission to the hospital.

§ 87(2)(b) went on to state in his CCRB testimony that he remained at the hospital for several hours after the IAB officers left, handcuffed to his gurney. A single officer waited with him at his bedside during this period. § 87(2)(b) described the officer guarding him as white male in his early 20s. At some time between 8:00 p.m. and 9:00 p.m., a second officer then entered

the hospital room. § 87(2)(b) described this officer as an approximately 5'5" tall white male in his 40s with gray hair. He believed this officer to be a sergeant because his uniform had blue stripes on his upper arms. § 87(2)(b) examined the second officer's nameplate, noting that his last name started with the letter "S." This second officer told § 87(2)(b) "It would have been better if you were dead."

§ 87(2)(b)'s ACR states that he was escorted to the hospital by Police Officer Staple and Police Officer Verdejo. His hospital records, however, identify Police Officer Staple as his sole escorting officer. § 87(2)(b) was discharged at § 87(2)(b). No other officers are identified in the hospital records beyond Police Officer Staple (Privileged Documents).

Police Officer Staple and Police Officer Medina both stated that they guarded § 87(2)(b) while he was in the hospital. They stated that Police officer Staple and another officer from PSA 7, Police Officer Alldon Verdejo, rode with § 87(2)(b) to the hospital. These two officers arrived at the hospital at around 2:08 p.m. Police Officer Staple stood guard over § 87(2)(b) until about 4:20 p.m. He did not recall if any other officers, including Police Officer Verdejo, waited with him. Police Officer Medina and Police Officer Maria Barbosa relieved Police Officer Staple and took over watching § 87(2)(b). They remained there until approximately 8:00 p.m., when they were relieved by Police Officer Jose Tejada of PSA 7. Neither Police Officer Staple nor Police Officer Medina recalled any other officers interacting with § 87(2)(b) while they were watching him. They denied hearing any officer tell § 87(2)(b) "It would have been better if you were dead."

Police Officer Staple is a § 87(2)(b). He was § 87(2)(b) old at the time of the incident. Police Officer Medina is a § 87(2)(b) old at the time of the incident. Police Officer Barbosa is a § 87(2)(b). Police Officer Tejada is a § 87(2)(b) old at the time of the incident. Police Officer Verdejo is a § 87(2)(b) old at the time of the incident.

A review of the roll calls from PSA 7 and the 42nd Precinct found no sergeants on duty whose last names begin with the letter "S" (Board Review #23-24). None of the FID officers who interviewed § 87(2)(b) have last names starting with the letter "S" (Board Review #13).

The investigation was unable to identify the officer who allegedly spoke to § 87(2)(b) at the hospital. § 87(2)(b) stated that there was a young male officer guarding him when the subject officer, a sergeant, spoke to him. No sergeants are recorded visiting § 87(2)(b) in his medical records or in police documents. Neither Police Officer Staple nor Police Officer Medina, who were identified as the only male officers who guarded § 87(2)(b) before he left the hospital at 8:01 p.m., recalled any other officers visiting § 87(2)(b) including any sergeants.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b). § 87(2)(b)'s description of the subject officer also had no apparent matches among the officers from either the 42nd Precinct or PSA 7.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review #25).
- Sergeant Bletcher has been a member of the service for eighteen years and has been listed as a subject officer in four other CCRB complaints and seven allegations, two of which were substantiated.
 - CCRB #201608992 involved allegations of refusal to provide name and/or shield number and stop, both of which were substantiated. The Board recommended that he receive Command Discipline A, which the Department administered.
- Police Officer Candelario has been a member of the service for ten years and has been listed as a subject officer in two previous CCRB complaints and eight allegations, five of which were substantiated.
 - CCRB #201603587 involved allegation of stop, search and strip search, which were closed as unsubstantiated, as well as allegations of frisk and abuse of authority (other), which were substantiated. The Board recommended that he receive Formalized Training, which the Department administered.
 - CCRB #201608992 involved allegations of frisk, search and refusal to provide name and/or shield number, all three of which were substantiated. The Board recommended that he receive Command Discipline A, which the Department administered.

Mediation, Civil and Criminal Histories

- This complaint was not eligible for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on October 5, 2020. The results will be included in the case file upon receipt.
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

Squad No.: 15

Investigator: Owen Godshall Inv. Owen Godshall 10/06/2020
 Signature Print Title & Name Date

Squad Leader: Simon Wang IM Simon Wang 12/18/2020
 Signature Print Title & Name Date

Reviewer: _____ _____ _____
 Signature Print Title & Name Date